

PROB 12C
(7/93)

Report Date: August 30, 2011

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

AUG 30 2011

Eastern District of WashingtonJAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Patrick M. Benoit

Case Number: 2:11CR02100-001-FVS

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Donald W. Molloy, Chief U.S. District Judge

Date of Original Sentence: 9/7/2001

Original Offense: Conspiracy to Distribute a Controlled Substance, 21 U.S.C. §§ 841(a), 846, and 841(b)(1)(C)

Original Sentence: Prison - 108 Months; TSR - 36 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Jane Kirk

Date Supervision Commenced: 4/7/2010

Defense Attorney: Federal Defenders

Date Supervision Expires: 4/6/2013

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance1 **Mandatory Condition #2:** The defendant shall not commit another Federal, state, or local crime.**Supporting Evidence:** Mr. Benoit was arrested on August 28, 2011, and charged with driving under the influence in Yakima Municipal Court, case number H00016182. He was arraigned on August 29, 2011, with bail being set at \$500.

The narrative from the Yakima Police Department incident report indicates, an officer observed a vehicle make a turn without using its turn signal, leading to a traffic stop. The driver was identified as Pat Benoit, who had a strong odor of intoxicants coming from his person, his eyes were watery and bloodshot, his speech was slurred, and he was fidgety. Mr. Benoit showed impairment on field sobriety tests and was arrested for DUI. He gave samples of .045 and .046 on the Datamaster. Due to his level of impairment being greater than his BAC level, Mr. Benoit was advised of the Implied Consent Warning for Blood. He refused to give a blood sample.

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While at the police station, an officer located a small amount of suspected methamphetamine in Mr. Benoit's wallet. The substance weighed .2 grams and tested positive for amphetamines. Mr. Benoit was booked into the Yakima County Jail for possession of methamphetamine.

- 2 **Mandatory Condition #2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Mr. Benoit was arrested on August 28, 2011, and charged with possession of a controlled substance, methamphetamine, in Yakima County Superior Court, cause number 11-1-01233-1. He was arraigned on August 29, 2011, with bail set at \$10,000. The officer's narrative is listed under violation number 1, as noted above.

- 3 **Special Condition # 2:** The defendant shall be prohibited from consuming, possessing, or ingesting alcoholic beverages, and shall not be on the premises of any establishment where alcohol is the chief item of retail sale. This condition supersedes standard condition #7, as it pertains to alcoholic consumption only.

Supporting Evidence: Mr. Benoit was arrested for driving under the influence on August 28, 2011. According to the officer's report, Mr. Benoit had a strong odor of alcohol coming from his person at the time of the stop. He provided two breath samples registering .045 and .046 respectively. The officer observed that Mr. Benoit's eyes were watery and bloodshot, his speech was slurred, and he was fidgety.

- 4 **Standard Condition #7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or an paraphernalia related to any controlled substances, except as prescribed by a physician.

Supporting Evidence: As noted above, Mr. Benoit was arrested on August 28, 2011, and while at the police station, a small amount of suspected methamphetamine was located in Mr. Benoit's wallet. The substance weighed .2 grams and tested positive for amphetamines.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 08/30/2011

s/Stephen Krous

Stephen Krous
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other


Signature of Judicial Officer *for Fred Van Scoy USBJ*

8/30/11
Date